

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPHINE DRAKEFORD,

Plaintiff,

-against-

Civil Case No.: 07-CV-3489
(Daniels, J) (Francis, MJ)

NOTICE OF MOTION

WASHINGTON MUTUAL,

Defendant.

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PLEASE TAKE NOTICE, that upon the annexed affidavit of Karen Gill, sworn to October 17, 2007, the accompanying memorandum of law, and upon all the pleadings filed and the proceedings had herein, defendant Washington Mutual Bank ("Washington Mutual") sued herein as Washington Mutual, will move this Court before the Honorable, James C. Francis, United States District Court Magistrate Judge, at the United States Courthouse, located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York on the 19th day of November, 2007, for a judgment on the pleadings dismissing plaintiff's claims against Washington Mutual in their entirety:

Washington Mutual make this motion for a judgment on the pleadings pursuant to Rules 12 (c) of the Federal Rules of Civil Procedure. Washington Mutual is moving for a judgment on the pleadings on the basis that this Court lacks subject matter jurisdiction and plaintiff is contractually obligated to arbitrate all disputes with Washington Mutual. Washington Mutual seeks such other relief as this Court deems just, proper and equitable.

Dated: Garden City, New York
October 19, 2007

CULLEN AND DYKMAN LLP

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